



13 JUL 2006

Keyvan Davoudian
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In re Application of
SILVERS *et al*
U.S. Application No.: 10/507,395
PCT No.: PCT/US03/32346
Int. Filing Date: 10 October 2003
Priority Date: 17 August 2001
For: VEHICLE SURFACE CARE
PRODUCTS IN SHEET FORM

DECISION

This decision is in response to the papers filed 28 June 2006 which are treated as a petition under 37 CFR 1.181.

BACKGROUND

On 10 September 2004, applicants filed papers for express entry into the national stage of PCT/US03/32346. The attorney of record was listed as Robert D. Fish of Rutan & Tucker.

On 21 November 2005, applicants purportedly filed papers including, *inter alia*, a "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" and a "Statement Under 37 CFR 3.73(b)." However, these papers were not located in the file and the attorney of record was not changed.

On 09 June 2006, an "Express Abandonment Under 37 CFR 1.138" was filed via facsimile on 09 June 2006. The express abandonment was signed by Keyvan Davoudian of Pillsbury Winthrop Shaw Pittman, LLP.

On 28 June 2006, applicant filed via facsimile copies of documents purportedly filed 21 November 2005 along with a postcard receipt for those documents.

DISCUSSION

A request to expressly abandon the above-captioned application was sent by Keyvan Davoudian of Pillsbury Winthrop Shaw Pittman LLP on 09 June 2006. Mr. Davoudian is not listed as the attorney of record in the subject application. Proof of Mr. Davoudian's authority to act in a representative capacity in the above-captioned application is required in order to grant the request to abandon the application.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

After a telephone call from the undersigned, Mr. Dovoudian submitted documents purportedly filed in the subject application on 21 November 2005 along with a copy of the date-stamped postcard receipt for the 21 November 2005 filing. The postcard receipt identifies the application by the U.S. application number, assignee and title of invention. The postcard receipt indicates that a "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" and a "Statement Under 37 CFR 3.73(b)" were received in the USPTO. The postcard receipt is stamped "Rec'd PCT/PTO 21 NOV 2005" across its face.

Applicants have provided *prima facie* evidence that the two documents listed above were filed in the above-captioned application on 21 November 2005.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

A review of the "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" and a "Statement Under 37 CFR 3.73(b)" show that these papers were signed by Michael S. Bell of assignee Meguiar's Inc. Mr. Bell signed as an officer (CFO) which is a position presumed to have the authority to sign for a corporation. See MPEP § 324. These documents verify that Mr. Dovoudian has the authority to act in a representative capacity in the above-captioned application.

This application is being forwarded to the DO/EO/US for mailing of a Notification of Abandonment (Form PCT/DO/EO/909).



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